

(PCT Article 36 and Rule 70)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007390

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-8 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* 1-10 _____ received by this Authority on 18.02.2005 with letter
 - nos.* _____ received by this Authority on of 18.02.2005
 - ☐ the drawings:
 - sheets _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007390

| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | |
|---|---|------|-----|
| 1. Statement | | | |
| Novelty (N) | Claims | 1-10 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 1-10 | YES |
| | Claims | | NO |
| Industrial applicability (IA) | Claims | 1-10 | YES |
| | Claims | | NO |
| 2. Citations and explanations (Rule 70.7) | | | |
| D1: DE 25 03 582 A (BASF AG) 5 August 1976 (1976-08-05) | | | |
| D2: EP-A-0 754 679 (SUEDEDEUTSCHE KALKSTICKSTOFF) 22 January 1997 (1997-01-22) | | | |
| D3: DE 199 20 962 A (BASF AG) 16 November 2000 (2000-11-16) | | | |
| 1. Novelty (PCT Article 33(2)): | | | |
| 1.1 A method is disclosed for reducing the formaldehyde and/or cyanide content in industrially produced solutions of sarcosine salts, characterised in that the starting solution is subjected to thermal treatment as per claim 1. | | | |
| 1.2 D1 discloses a method for producing sodium and potassium sarcosinate, said compounds being produced according to the Strecker synthesis. D1 does not disclose a method for reducing the formaldehyde and/or cyanide content of those compounds. | | | |
| 1.3 D2 discloses a method for producing creatine | | | |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007390

| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
|-----------|---|
| | <p>starting from sodium or potassium sarcosinate.</p> <p>The sodium or potassium sarcosinate used contains mainly methyliminodiacetic acid as impurity. A formaldehyde or cyanide impurity is not mentioned and the sarcosinate used can be used in the method claimed in D2 to produce creatine despite the impurities.</p> <p>1.4 D3 discloses the production of sarcosine starting from industrial sarcosinate solutions. The salts and methylimidoacetic acids occurring as impurities are separated using an electrodialysis method.</p> <p>1.5 None of documents D1-D3 discloses the claimed method.</p> <p>The subject matter of claims 1-10 can therefore be considered novel.</p> <p>2. Inventive step (PCT Article 33(3)):</p> <p>2.1 The invention addresses the problem of developing a method for reducing the formaldehyde and/or cyanide content in industrially produced solutions of sarcosine salts.</p> <p>The solution proposed by the applicant is the method as per claim 1.</p> <p>2.2 The method as per claim 1 is not in any way suggested by D1-D3. D1 and D2 do not mention</p> |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007390

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

whether formaldehyde and/or cyanide are present.

In D3, impurities are removed by electrodialysis.

The method as per claims 1-10 is therefore
considered inventive in view of D1-D3.

3. Industrial applicability (PCT Article 33(4)):

The subject matter of claims 1-10 is industrially
applicable.